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09/974,846	10/12/2001	Gary Kaiser	10016423-1	7357

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EXAMINER

SHRESTHA, BIJENDRA K

ART UNIT	PAPER NUMBER
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3691

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/974,846	Applicant(s) KAISER ET AL.	
	Examiner Bijendra K. Shrestha	Art Unit 3691	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                               | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                      | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. U.S. Pub No. 2002/0042731 (reference A in attached PTO-892) in view of Pride et al. (reference U in attached PTO-892).

3. As per claim 1, King et al teach a method for systematically and consistently developing a business opportunity, the method comprising the steps of:

performing an initiation meeting (see Fig. 1A; page 4, paragraph [0044], [0045])

performing a pre-invent session (see Fig. 1A; page 4, paragraph [0044]);

performing pre-work (see Fig. 1C-1F);

performing an invent session (see Fig. 1G);

designing a business opportunity environment (see Fig 1C-1E);

developing the business opportunity environment (see Fig. 1N);

demonstrating the business opportunity environment (Pride et al, see page 281);

refining a business plan (see Fig. 1N);

performing an alignment meeting (see Fig. 1N) ;

performing a commitment meeting (see Fig. 1L); and

King et al. do not teach marketing a pilot in developing a business opportunity.

Pride et al. teach marketing a pilot in developing a business opportunity ((see page 282, lines 18-27).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to incorporate marketing a pilot in developing a business opportunity of King et al. because Pride et al. teach that marketing a pilot in developing business opportunity would enable to determine how consumer feel about the product and how they would use it (Pride et al., page 282, lines 1-3)).

4. As per claim 2, King et al teach claim 1 as described above. King et al. further teach method, wherein the step of performing an initiation meeting further comprises the steps of:

executing an agreement for a collaborative invent process; and executing an agreement to develop the business opportunity environment (see Fig. 1A; page 4, paragraph [0044], [0045]; where initiation process includes discussion about establishing business core focus on current target market, positions in those market, emerging trend, business opportunities, and identifying the deliverable that organization going to produce; kick-off session include discussion of plan with senior leader and concerned parties).

5. As per claim 3, King et al teach claim 1 as described above. King et al. further teach method wherein the step of performing a pre-invent session further comprises the steps of:

preparing for the invent session; agreeing on goals ( see Fig 1A; page 4, paragraph [0044]; where kick-off session include presentation of organization goal such

target market and deliverable that organization going to produce and agreement on goals);

performing an assessment of existing research data (see Fig.1B; Fig. 8; page 4, paragraph [0053], [0062]; where Strength, Weakness, Opportunities and Threat (SWOT) Analysis performs analyzes of existing research data and establishes a baseline for the organization);

negotiating roles; and assigning responsibilities (see Fig. 1A; Fig. 4, paragraph [0046], [0047]; where business resources, responsibilities and functional support members are allocated; role, responsibility and accountability are also discussed; everyone is made aware of expectations placed on the team including deliverable that the team expected to produce at various junctures in the process).

6. As per claim 4, King et al teach claim 1 as described above. King et al. further teach method wherein the step of performing pre-work further comprises the steps of:

defining key questions (see page 5, paragraph [0065], [0070]);

gathering pre-existing research data from participants and assessing further research requirements; developing a plan to perform research (see Fig 1C; page 6, paragraph [0071], [0072] and [0073]; where data collection comprises structured approach to collecting information required to answer the question).

executing secondary research on customer segments, society, businesses, industry and technology trends (see Fig. 1D; see page 7, paragraph [0084], [0085]);

executing primary research (see Fig. 1E; page 7, paragraph [0093], [0094]); and

recruiting expert participation (see Fig. 1 F; page 8, paragraph [0103], [0104], [0105]; where external primary research analysis may required to recruit individual, organization, etc. that have capacity to furnish required information, for instance, market research, customer survey)

7. As per claim 5, King et al. teach claim 1 as described above. King et al. further teach method wherein the step of performing the invent session further comprises the steps of:

generating a common understanding of the research and choosing an initial focus area (see Fig. 1G; page 8, paragraph [0111], [0112] and [0113]; page 9; paragraph [0127]; where research information is combined and analyzed; selected the target market and customer segments and created profile of relevant market industry; identification and assessment of business opportunity may include new market organization wish to target);

generating a roadmap and development of a strategic business plan associated with the business opportunity (see Fig. 1G; Fig. 15; Fig. 1H; page 8, paragraph [0116]; page 9, paragraph [0129]; where analysis tool GE model is used to build roadmap and company strategies for identified product and services); and

defining a customer experience associated with the business opportunity environment (see Fig. 1G; page 8, paragraphs [0112]; where profiles target market/customer segments).

8. As per claim 6, King et al. teach claim 1 as described above.

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King et al. do not teach method wherein the step of designing the business opportunity environment further comprises the steps of: designing an experience goal associated with a pilot; and designing a technical architecture associated with the pilot.

Pride et al. teach method wherein the step of designing the business opportunity environment further comprises the steps of:

designing an experience goal associated with a pilot ; and designing a technical architecture associated with the pilot (see page 281-282); where product design, mechanical features, and intangible aspect is linked to wants in the marketplace).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to incorporate designing an experience goal associated with a pilot, and designing a technical architecture associated with the pilot of King et al. because Pride et al. teach that inability to determine how consumer feel about the product and how the would use it may lead to product failure (Pride et al., page 28, lines 1-6).

9. As per claim 7, King et al teach claim 1 as described above. King et al. further teach method wherein the step of developing the business opportunity environment further comprises the steps of:

developing technical architecture associated with the business opportunity environment (see Fig. 1N; see page 12, paragraph [0192], [0200]; where principal step involves developing detailed action plans to implement a prototype or a solution; plan includes product and service plans, detailed rolled out plans, infrastructure plans, sourcing and partnering plans, marketing plans, contingency/exit strategy plans etc.).

King et al. do not teach building a prototype associated with the business opportunity environment.

Pride et al. teach building a prototype associated with the business opportunity environment (see page 281, lines 39-42; where prototype or working model is built that reveals tangible and intangible attribute associated with the business opportunity environment in consumer's minds).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to incorporate building a prototype associated with the business opportunity environment of King et al. because Pride et al. teach that incorporation of building a prototype associated with the business opportunity environment would enable to test acceptability of new product or business opportunity environment (Pride et al., page 281, lines 39-40).

10. As per claim 8, King et al teach claim 1 as described above.

King et al. do not teach method wherein the step of demonstrating the business opportunity environment further comprises the steps of demonstrating the pilot as a proof of concept, analyzing customer response to the business opportunity environment and determining impact on the business case.

Pride et al. teach method wherein the step of demonstrating the business opportunity environment further comprises the steps of:

demonstrating the pilot as a proof of concept (see page 281, lines 37-42; where an idea or concept is converted into prototype/pilot or a working model to test



acceptability in the marketplace and check if the product can be produced at cost low enough to make final price reasonable);

analyzing customer response to the business opportunity environment; and determining impact on the business case (see page 282, lines 18-22, 28-35; where relatively small number of products are test marketed (test marketing) with the aim to determine the reactions of probable buyers; assessed results of test marketing on business case; adjustments after test marketing can be crucial to a success of a business opportunity environment or a product launch).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to incorporate demonstrating the pilot as a proof of concept, analyzing customer response to the business opportunity environment and determining impact on the business case of King et al. because Pride et al. teach that these incorporation would enable to test acceptability of new product and do necessary adjustments to the product (Pride et al., page 281, lines 37-42).

11. As per claim 9, King et al teach claim 1 as described above. King et al. further teach method wherein the step of refining the business plan further comprises the step of:

defining a substantially total customer experience; defining a business model; and defining a technology architecture roadmap (see Fig. 1N; page 12, paragraph [0193], [0194]; where lesson learned in course of implementation of the process or product and application of Change Acceleration Process(CAP) to introduce change in the process)

12. As per claim 10, King et al teach claim 1 as described above. King et al. further teach method wherein the step of performing an alignment meeting further comprises the steps of:

gaining alignment from key stakeholders; and outlining roles and resources associated with moving forward (see Fig. 1N; page 12, paragraphs [0196], [0197], [0198]; where output from process launched provided to relevant parties to ensure that they are apprised of their role in bringing the product launch to fruition; it also include repetition of certain tasks identified in renewal or refinement process)

13. As per claim 11, King et al teach claim 1 as described above. King et al. further teach method wherein the step of performing a commitment meeting further comprises the steps of:

finalizing roles; finalizing resources (see Fig. 1L);

identifying substantially critical assumptions (see Fig. 1 M; see page 12, paragraphs [0188], [01889]; where final gap assessment is carried out that involve reviewing current status of the process against expectations/requirements to identify deficiencies; performed high risk assessment with respect to the solution); and

finalizing a substantially detailed short term plan associated with moving forward (see Fig. 1L; Fig. 20; page 12, paragraph [0182]; where GANTT chart defines timelines for completing identified actions in the course of implementation).

14. As per claim 12, King et al teach claim 1 as described above.

King et al. do not teach method wherein the step of marketing the pilot further comprises the steps of introducing the pilot to at least one of, an initial target market, an

initial target segment and an initial target location and performing a limited market test associated with understanding customer uptake.

Pride et al. teach method wherein the step of marketing the pilot further comprises the steps of:

introducing the pilot to at least one of, an initial target market, an initial target segment and an initial target location (see page 282, lines 18-27); and

performing a limited market test associated with understanding customer uptake (see page 282, lines 36-42; where limited market test is performed to gauge potential consumer's reaction to a new product).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to incorporate introducing the pilot to at least one of, an initial target market, an initial target segment and an initial target location and performing a limited market test associated with understanding customer uptake of King et al. because Pride et al. teach that these incorporation would enable to test acceptability of new product and do necessary adjustments to the product (Pride et al., page 281, lines 37-42).

15. As per claim 13, King et al teach claim 1 as described above. King et al. further teach method comprising:

the step of validating a business venture (see Fig 1G; where business venture opportunity assessment is performed by using Quality Functional Deployment Analysis (QFD)).

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16. As per claim 14, King et al teach claim 1 as described above. King et al. further teach method wherein the step of validating a business venture further comprises the steps of:

examining assumptions (see Fig. H; page 8, paragraphs [0127], [0128]; where potential opportunities are identified and assessed with the help of individual Subject Matter Experts (SMEs));

building a business case (see Fig. 1H; page 9, paragraph [0129]; where strategies for identified products and services is built by using what if GE model); and

defining technical options (see Fig. 1H; page 10, paragraphs [0131], [0132]; where various tools are used to assess desirability of identified solutions; build straw man product and services prioritization from prioritization criteria, providing different options) .

17. As per claim 15, King et al teach method for systematically and consistently developing a strategic plan to create high growth business opportunities, the method comprising the steps of:

performing an initiation meeting (see Fig. 1A; page 4, paragraph [0044], [0045])

performing a pre-invent session (see Fig. 1A; page 4, paragraph [0044]);

performing pre-work (see Fig. 1C-1F);

performing an invent session (see Fig. 1G);

Validating a business venture (see Fig. 1G, 1H);

designing a business opportunity environment (see Fig. 1C-1E);

developing the business opportunity environment (see Fig. 1N);  
demonstrating the business opportunity environment (Pride et al, see page 281);  
refining a business plan (see Fig. 1N);  
performing an alignment meeting (see Fig. 1N) ;  
performing a commitment meeting (see Fig. 1L); and  
King et al do not teach marketing a pilot in creating high growth business opportunities.

Pride et al. teach marketing a pilot in creating high growth business opportunities (see page 282, lines 18-27).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to incorporate marketing a pilot in creating high growth business opportunities of King et al. because Pride et al. teach that marketing a pilot in creating high growth business opportunities would enable to determine how consumer feel about the product and how they would use it (Pride et al., page 282, lines 1-3)).

18. As per claim 16, King et al teach claim 15 as described above. King et al. further teach method, wherein the step of performing an initiation meeting further comprises the steps of:

executing an agreement for a collaborative invent process; and executing an agreement to develop the business opportunity environment (see Fig. 1A; page 4, paragraph [0044], [0045]; where initiation process includes discussion about establishing business core focus on current target market, positions in those market, emerging trend, business opportunities, and identifying the deliverable that organization

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going to produce; kick-off session include discussion of plan with senior leader and concerned parties).

19. As per claim 17, King et al teach claim 15 as described above. King et al. further teach method wherein the step of performing a pre-invent session further comprises the steps of:

preparing for the invent session; agreeing on goals ( see Fig 1A; page 4, paragraph [0044]; where kick-off session include presentation of organization goal such target market and deliverable that organization going to produce and agreement on goals);

performing an assessment of existing research data (see Fig.1B; Fig. 8; page 4, paragraph [0053], [0062]; where Strength, Weakness, Opportunities and Threat(SWOT) Analysis performs analysis of existing research data and establishes a baseline for the organization);

negotiating roles; and assigning responsibilities (see Fig. 1A; Fig. 4, paragraph [0046], [0047]; where business resources, responsibilities and functional support members are allocate; role, responsibility and accountability are also discussed; everyone is made aware of expectations placed on the team including deliverable that the team expected to produce at various junctures in the process).

20. As per claim 18, King et al teach claim 15 as described above. King et al. further teach method wherein the step of performing pre-work further comprises the steps of:

defining key questions (see page 5, paragraph [0065], [0070]);

gathering pre-existing research data from participants and assessing further research requirements; developing a plan to perform research (see Fig 1C; page 6, paragraph [0071], [0072] and [0073]; where data collection comprises structured approach to collecting information required to answer the question);

executing secondary research on customer segments, society, businesses, industry and technology trends (see Fig. 1D; see page 7, paragraph [0084], [0085]);

executing primary research (see Fig. 1E; page 7, paragraph [0093], [0094]); and recruiting expert participation (see Fig. 1 F; page 8, paragraph [0103], [0104], [0105]; where external primary research analysis may required to recruit individual, organization, etc. that have capacity to furnish required information, for instance, market research, customer survey).

21. As per claim 19, King et al. teach claim 15 as described above. King et al. further teach method wherein the step of performing the invent session further comprises the steps of:

generating a common understanding of the research and choosing an initial focus area (see Fig. 1G; page 8, paragraph [0111], [0112] and [0113]; page 9; paragraph [0127]; where research information is combined and analyzed; selected the target market and customer segments and created profile of relevant market industry; identification and assessment of business opportunity may include new market organization wish to target);

generating a roadmap and development of a strategic business plan associated with the business opportunity (see Fig. 1G; Fig. 15; Fig. 1H; page 8, paragraph [0116];

page 9, paragraph [0129]; where analysis tool GE model is used to build roadmap and company strategies for identified product and services); and

defining a customer experience associated with the business opportunity environment (see Fig. 1G; page 8, paragraphs [0112]; where profiles target market/customer segments.

22. Claim 20 rejected under 35 U.S.C. 103(a) as being unpatentable over King et al. U.S. Pub No. 2002/0042731 (reference A in attached PTO-892) in view of Asplen, Brennan W., U.S. Patent No. 6,044,354 (reference B in attached PTO-892) over Pride et al. (reference U in attached PTO-892).

23. As per claim 20, King et al. teach a computer readable medium on which is embedded computer software comprising a set of instructions for executing a method of systematically and consistently developing a strategic plan to create high growth business opportunities (see Fig. 2, column 13, paragraph [0209]; where electronic implementation of the method is described). King et al also teach the method comprising:

performing an initiation meeting (see Fig. 1A; page 4, paragraph [0044], [0045]);

performing a pre-invent session (see Fig 1A; page 4, paragraph [0044]);

performing pre-work (see Fig 1C-1F);

performing an invent session (see Fig. 1G);

designing a business opportunity environment (see Fig 1C-1E);

developing the business opportunity environment (see Fig 1N);



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demonstrating the business opportunity environment (Pride et al, see page 281);

refining a business plan (see Fig. 1N);

performing an alignment meeting (see Fig 1N) ;

performing a commitment meeting (see Fig 1L); and

King et al. do not teach marketing a pilot in a computer readable medium.

Asplen et al. teach marketing a pilot (trial) in a computer readable medium (see Fig. 5; column 5, lines 16-17).

Pride et al. teach motivation in marketing a pilot in new product development process.

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to incorporate marketing a pilot (trial) in a computer readable medium of King et al. because Pride et al. teach that marketing a pilot (trial) in a computer readable medium would enable to determine acceptability of new product, how consumer feel about the product and how they would use it (Pride et al., page 282, lines 1-3)).

### ***Conclusion***

24. The prior art made of record and not relied upon is considered pertinent to applicant's disclosures. The following are pertinent to current invention, though not relied upon:

Davies et al. (U.S. Pub. No. 2003/0033191) teach method and apparatus for a product life cycle management process.

Hogan, Thomas (U.S. Pub No. 2002/0152088) teaches method for automatically developing strategic agribusiness plan.

Kazami et al. (U.S. Patent No. 6,321,204) teach business operation management system.

Yoko et al. (U.S. Pub No. 2002/0035500) teach multi-dimensional management method and system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bijendra K. Shrestha whose telephone number is (571)270-1374. The examiner can normally be reached on Monday - Friday, 7:30 a.m - 5 p.m, 2nd Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Nolan can be reached on (571)270-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BKS



PATRICK J. NOLAN, PH.D.  
SUPERVISORY PATENT EXAMINER

11/16/06